

SENATE BILL 1500

By Green

AN ACT to amend Tennessee Code Annotated, Title 64,  
Chapter 1, Part 11, relative to the West  
Tennessee River basin authority.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 64-1-1101, is amended by deleting subsections (b) and (c) and substituting the following:

(b) The authority is created to preserve the natural flow and function of streams and rivers that flow into the Cumberland, Tennessee and Mississippi Rivers. The authority shall also seek to:

(1) Maintain or stabilize the function of altered streams and rivers using environmentally sensitive methods for which the expectation of altered drainage is well established because of agricultural or other land uses and for which the restoration of natural stream or river function is not practicable;

(2) Restore, where practicable, in a self-sustaining manner, natural stream and floodplain dynamics and associated environmental and economic benefits; including the restoration and conservation of fisheries and wildlife habitat, wetlands, water quality and naturally or economically productive bottom land hardwood systems;

(3) Facilitate the proper interaction of private activities adjacent to or affecting public waters that may be negatively affecting those waters; and

(4) In general, provide regional and local leadership for the conservation and sustainable utilization of streams and rivers that flow into the Cumberland, Tennessee and Mississippi Rivers.

(c) These activities shall be accomplished in the twenty-two-county area of West Tennessee comprised of Benton, Carroll, Chester, Crockett, Decatur, Dyer, Fayette, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Houston, Lake, Lauderdale, Madison, McNairy, Obion, Stewart, Tipton, and Weakley Counties; however, the area of the Wolf River Basin shall be excluded.

SECTION 2. Tennessee Code Annotated, Section 64-1-1103, is amended by deleting subdivisions (7), (8), (16) and (18) and substituting the following:

(7) Investigate all water and related resources of the streams and rivers that flow into the Cumberland, Tennessee and Mississippi Rivers with regard to flow, hindrances to flow and health of bottomland hardwoods;

(8) Conduct planning for maintenance and restoration of flow and floodplain dynamics for streams and rivers that flow into the Cumberland, Tennessee and Mississippi Rivers. Such planning shall include the order in which specific projects will be commenced. It may also include the prevention of upland soil erosion through such projects as gully and road bank treatment, cropland conversion and accelerated conservation and treatment of grasslands and forests. Such plan formulation must take into account the plans and proposals already prepared by local, state and federal agencies dealing with water control, conservation and related land development;

(16) Obtain funds from county governments for purposes of planning, acquisition of land and facilities, and construction, operation, management and maintenance of all works, facilities and programs particularly required by such county or counties. County governments are empowered, but are not required, to impose taxes to accomplish these programs. Such taxes, if imposed, shall be upon all real property lying within the area watersheds as situated in the counties specified in § 64-1-1109(a) and drained by the rivers and their tributaries, and such tax shall be imposed on that property determined by the county as benefiting from the works of improvement and programs of the authority;

(18) All moneys raised by the imposition of ad valorem taxes or by county appropriations shall be deposited with the state treasurer for the operation of the authority; and interest on such funds held for capital outlay shall accrue to the benefit of the authority and shall be carried forward when necessary as with other capital outlay funds. All funds deposited with the state treasurer shall be reported as expendable receipts; however, in the event that any funds raised by ad valorem taxes or by county appropriations remain in an account with the state treasurer for the authority as of June 30 of any fiscal year, it is the intent that such remaining funds shall not revert to the state treasurer, but shall be carried forward for subsequent use in the operations of the authority. The commissioner of finance and administration shall prescribe an equitable procedure for determining the amounts of any remaining funds, such procedure to be approved by the comptroller of the treasury and the board of directors of the West Tennessee River basin authority.

SECTION 3. Tennessee Code Annotated, Section 64-1-1104(a), is amended by deleting subdivision (3) and substituting the following:

(3) It is the duty of the assessor of property of each participating county to determine the properties that lie within the area specified in § 64-1-1101(c) for purposes of taxation, such determination of property and ownership to be a matter of public record, from which the trustee or collector shall perform such person's duty as outlined in this section.

SECTION 4. Tennessee Code Annotated, Section 64-1-1104, is further amended by deleting subsection (b) and substituting the following:

(b) The state is hereby authorized to issue bonds, if required, in and above direct financing, for the cost of operations of the authority, including, but not limited to, costs of administration, engineering, program development, land acquisition and capital costs

and to enter into agreements with counties to participate in bond financing to complete the program and project in its entirety as projected and planned for streams that flow into the Cumberland, Tennessee and Mississippi Rivers by the authority. Any bond issue for the cost of operations, wherein the general obligation of the state is attached must first be approved by the general assembly and provision made for amortization of both principal and interest for a period not to exceed forty (40) years.

SECTION 5. Tennessee Code Annotated, Section 64-1-1109(a), is amended by deleting the subsection in its entirety and substituting the following:

(a) This part applies only to the counties of Benton, Carroll, Chester, Crockett, Decatur, Dyer, Fayette, Gibson, Hardeman, Hardin, Haywood, Henderson, Henry, Houston, Lake, Lauderdale, Madison, McNairy, Obion, Stewart, Tipton, and Weakley, which may, upon approval by a majority vote of the respective county legislative bodies, elect to participate in such programs as set out in this part; and, in the event such an election is made, this part applies to all counties making such an election.

SECTION 6. The provisions of this act shall not be construed to be an appropriation of funds and no funds shall be obligated or expended pursuant to this act unless such funds are specifically appropriated by the general appropriations act.

SECTION 7. This act shall take effect upon becoming a law, the public welfare requiring it.